

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

SMITHS GROUP, PLC,

Case No. 0:13-cv-00052-DSD-TNL

Plaintiff,

vs.

RONALD A. FRISBIE,

Defendant.

DECLARATION OF JYOTIN HAMID

I, JYOTIN HAMID, being duly sworn under oath, depose and say:

1. I am over the age of 18 and competent to testify. I am a member of Debevoise & Plimpton LLP, attorneys for Plaintiff Smiths Group, plc. I submit this declaration in support of Plaintiff's motion for a temporary restraining order and expedited discovery.

2. As further detailed in the accompanying Memorandum of Law and Declaration of Srinivasan Seshadri, Plaintiff brings this motion to prevent its head of Global Operations, Ronald A. Frisbie, from commencing work immediately for Plaintiff's direct competitor, CareFusion Corporation ("CareFusion"), in violation of his restrictive covenant obligations to Plaintiff.


3. As detailed in Mr. Seshadri's declaration, Mr. Frisbie announced on Friday, January 4, 2013, that he was resigning and that he would commence work for CareFusion in two weeks' time (*i.e.*, starting on January 21). Plaintiff filed this action promptly, on Monday, January 7, 2013.

4. During the week of January 7, 2013, and over the past weekend, I reached out to counsel for Mr. Frisbie. We engaged in good faith discussions aimed at resolving this matter.

Unfortunately, the parties have not reached any agreement. We previously understood that Mr. Frisbie intended to join CareFusion on Monday, January 21, 2013. But after informing Mr. Frisbie's counsel that we planned to file a motion for a temporary restraining order today, we were informed this afternoon that Mr. Frisbie is starting work today instead.

* * *

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct. Executed this 14th day of January, 2013 in New York, New York.


Jyotin Hamid